

Appl. No.: 09/818,953

Reply to Office Action of October 3, 2005

REMARKS/ARGUMENTS

The office action of October 3, 2005 (hereinafter the Action) has been carefully reviewed and these remarks are responsive thereto. No claims have been amended, claims 63-67 have been added. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-15, 19, 21-23, 25-50, 52-53, 55-58, and 60-62 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,151,584 to Papierniak et al. (hereinafter *Papierniak*). Applicants respectfully traverse the arguments made by the Action.

With regard to independent claims 1, 19, 31, 40-41, 47, 52, and 57, the Action alleges that *Papierniak* discloses a method of capture with enhanced analysis techniques to exploit vast information through uses of the web ... results in better (statistical) decisions. However, *Papierniak* fails to explicitly or implicitly describe each and every element of these claims. A claim is anticipated by a § 102(e) reference only if each and every feature as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP § 2131.01.

For example, *Papierniak* does not disclose an ontology "having a collection of nodes representing related concepts and a plurality of relationships among the collection of nodes," as is recited in claim 1. The Action alleges that "an ontology is merely using common terminology." Action, page 7. However, as described at page 7, lines 22-24 of the Specification, an ontology refers to "structured representations of knowledge within one or more domains, typically captured and represented in a tree or directed acyclic graph (DAG) format." Thus, the ontology recited in claim 1 does not refer to a mere "grouping of things according to a common connection," as alleged on page 7 of the Action, but describes a specific type of structure including a collection of nodes and relationships among the nodes. These elements are not present in the simple categories of items described by *Papierniak*.

The Action argues that an ontology having a collection of nodes is disclosed in *Papierniak* at col. 13, lines 17-23: "the processed data must be organized in a structured way." However, *Papierniak* fails to teach or even hint at an ontology and/or a collection of nodes

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representing related concepts and a plurality of relationships among them, features which are present in each of the listed claims. *Papierniak*'s structured data refers only to simple categories of items, and thus does not describe, "an ontology having a collection of nodes representing related concepts and a plurality of relationships among the collection of nodes," as is recited in claim 1.

Additionally, the Action argues that tagging user data in accordance with the collection of nodes of said ontology is disclosed in *Papierniak* at col. 18, lines 45-48: "classifications such as characterizations, customer descriptions, preference determination, and behavior patterns." However, this does not teach or suggest tagging user data in accordance with the collection of nodes of an ontology. Classifications do not amount to "tagging user data," let alone tagging user data in accordance with an ontology.

Arguments from Applicants' previous remarks with regard to claims 1, 19, 31, 40, 41, 47, 52, and 57 have been addressed in the Action. The Action states, "tagging is merely identifying data according to its 'group'; an ontology is merely using common terminology, therefore the classification or the grouping of things according to a common connection or similarities meets the limitation of tagging according to ontology." Action, page 7. However, the Action does not take into consideration amendments previously made to the cited claims, upon which Applicants' previous arguments were based. Claim 1 does not merely recite an ontology, but "an ontology having a collection of nodes representing related concepts and a plurality of relationships among the collection of nodes," which as discussed above, is not disclosed or hinted at by *Papierniak*. Similarly, claim 1 does not merely recite tagged user data, but data which is tagged "in accordance with collection of nodes and said ontology," which is also neither disclosed nor hinted at by *Papierniak*.

Accordingly, Applicants submit that independent claims 1, 19, 31, 40, 41, 52, and 57 are allowable over *Papierniak*, along with claims 2-7, 9-15, 18, 21-23, 26-30, 32, 33, 35-39, 43-45, 49, 50, 53, 56, and 59, which each ultimately depend from one of these independent claims. In addition, Applicants respectfully submit that newly added claims 60 and 61, which ultimately depend from claim 1, are allowable along with their base claim.

With respect to dependent claims 8, 25, 34, 42, 48, 55, and 58, the Action alleges that *Papierniak* discloses parsing, categorizing, indexing, and formatting collected data. Applicants

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respectfully traverse these rejections and request reconsideration and allowance of these claims. Claim 8 recites in part, "wherein the inferencing engine generates and outputs a list of weighted nodes." *Papierniak* does not disclose weighted nodes, or the generating and outputting of a list of weighted nodes. For this additional reason, Applicants submit that claim 8, and claims 25, 34, 48, 55, and 58 that include similar subject matter, are allowable over *Papierniak*.

Rejections under 35 U.S.C. §103

Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Papierniak* in view of the website www.medscape.com, as archived at www.archive.org on February 29, 2000 (hereinafter [medscape.com](http://www.medscape.com)). Claims 20, 24, 51, and 54 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Papierniak* in view of the website www.financialengines.com, as archived at www.archive.org on October 12, 1999 (hereinafter [financialengines.com](http://www.financialengines.com)).

As discussed above, *Papierniak* does not teach or suggest the subject matter recited in independent claims 1, 19, 47, and 52, from which claims 16-17, 20, 24, 51, and 54 depend. Neither [financialengines.com](http://www.financialengines.com), nor [medscapes.com](http://www.medscape.com), overcomes the deficiencies of *Papierniak* respect to claims 1, 19, 47, and 52. Accordingly, Applicant respectfully submits that claims 16-17, 20, 24, 51, and 54 depending therefrom are allowable over the prior art of record.

New Claims

Applicants' have added claims 63-64 dependent from claim 1, claim 65 dependent from claim 41, and claims 66-67 dependent from claim 62. For the reasons discussed above with respect to these independent claims, new claims 63-67 are similarly not anticipated by *Papierniak*. Additionally, claims 63, 65, and 66 recite a node with "two or more ancestor nodes." Any system described or suggested by *Papierniak*, based solely on mere groupings or categories, would not support a single node having more than one ancestor nodes. Thus, claims

Claim 64 recites tagging comprising "associating said user data with two or more nodes," and claim 67 similarly recites tagging "wherein said selected tagged content comprises two or more tags, each said tag associated with a different node." *Papierniak*, or any similar system which considers tagging merely as the identification of a single group to the tagged content, would not support multiple tags representing multiple nodes for a single tagged object. Thus,

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Applicants submit that new claims 63-67 are similarly allowable over *Papierniak* and all other cited references.

CONCLUSION

Applicants respectfully submit that claims 1-17, and 19-67 are presently in condition for allowance and a Notice to that effect is respectfully requested. Should the Examiner believe that further discussion and/or amendment would be helpful, the Examiner is respectfully invited to telephone Applicant's undersigned representative at the number listed below. Applicant hereby petitions for any extensions of time which may be required, except for payment of the issue fee. The Commissioner is hereby authorized to charge to deposit account number 19-0733 any fees necessary to maintain the pendency of the present application.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By: _____



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